



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held January 30, 2007, the Board took the following action:

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J. Tyler McCauley, Auditor-Controller, and Dewitt Roberts, Assistant Auditor-Controller, presented the attached report on the failed protocols that delayed Public Health notification to the County of a sewage spill into County Beaches on August 8, 2006 and responded to questions posed by the Board. David E. Janssen, Chief Administrative Officer, and Dr. Jonathan E. Fielding, Director of Public Health, responded to questions posed by the Board.

Rebecca Wayne, representing California State Assemblyman Ted W. Lieu, Francine Diamond, Chair of the Los Angeles Regional Water Quality Control Board, James Alamillo, Urban Programs Manager of Heal the Bay, and Miki Jackson also addressed the Board.

After discussion, Supervisor Knabe made the following statement:

“A top priority for municipal governments is protecting the public from harm. The County, the cities, and the Los Angeles Regional Water Quality Control Board all play a role in protecting the public from contamination due to the spillage of raw sewage. Based on a recent Auditor-Controller’s report dated January 24, 2007, these responsibilities have not been fully met. This Board must now swiftly move to fix the shortcomings which are under County control, but also must advocate aggressively for other public agencies to step up and fulfill their responsibilities as well.

“In November 2001, after a major raw sewage spill went unreported for more than 24 hours, on my motion the Board ordered an investigation. The report which followed assured us the reporting system had been fixed. But once again last August, a delay in reporting a sewage spill jeopardized the public’s health. On my September 19, 2006 motion, this Board ordered the Auditor-Controller, among other things, to investigate the incident and also assess whether reporting and follow-up action was effective for other spills occurring from January 2002 through July 2006.

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"I specifically wanted to know whether the August 2006 failure to report was the result of an isolated incident or a broken system. I believe that anyone who reads the Auditor-Controller's thorough report will conclude, as I have, that the system is badly broken. It is also clear that the assurances made to this Board in 2001 regarding reporting safeguards to protect the public from future failures did not hold true.

"At the request of this Board, County auditors meticulously documented the August 2006 incident in Culver City. Here is what they reported. A sewage pumping station failed, causing sewage to bubble up through manholes and onto the street. City workers first started working to repair it at noon on Sunday, August 6th but didn't finish until Tuesday morning, 44 hours later. While they worked, the spilling sewage was vacuumed up into tanker trucks which carried it away. But at about 1:00 a.m. Tuesday, sewage was spilling faster than it could be picked up. So the City person in charge authorized the diversion of 22,300 gallons into the storm drain system which flows into Ballona Creek. It traveled nine miles down Ballona Creek to the ocean and contaminated the beach water.

"State law requires that the County Health Officer be advised immediately of sewage spills which threaten waters, and makes failure to do so a misdemeanor. But the City's Stormwater Program Manager did not notify Public Health until about 12:30 p.m. Tuesday. This was more than 48 hours after work on the sewage overflow began and more than 11 hours after City staff knew that over 20,000 gallons of untreated sewage had flowed into Ballona Creek. The beach was therefore not closed until Tuesday afternoon.

"We thought this might be an isolated incident, but the Auditor's findings show that it was not. As also requested in my motion, the Auditor-Controller, in consultation with the County Public Health and Public Works Departments, County Sanitation Districts, Los Angeles City Department of Sanitation and Heal the Bay, analyzed known substantial sewage spills over the 55 months from January 2002 through July 2006. For each, they asked whether the Department of Public Health had a record of having been notified. In 189 incidents involving a total of almost ten million gallons of sewage, Public Health could not say whether it had received a report or not. Of these incidents, 145 of them, accounting for 8 million gallons, were within the jurisdiction of the City of Los Angeles.

"I am particularly concerned with the lack of information on 15 incidents that occurred on a single rainy day, February 19, 2005. Thirteen of the incidents were in the City of Los Angeles and two were in the County involving spillage of over five million gallons of sewage discharge. Our auditors could not find any evidence that the spills were reported to the Public Health Officer or that any action was taken to notify and protect the public.

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“The Auditor-Controller’s report also addresses other issues, such as the need for sewage system operators to be subject to more specific and stringent equipment operation and maintenance standards. These would help to prevent sewage spills due to pumping plant failures from occurring and to insure that when failures occur, the plant operator gets immediate word. As previously noted, Culver City staff said their alarm system failed to alert them.

“Attached to this motion are the Auditor-Controller’s 15 recommendations. We should act on them immediately.”

Therefore, Supervisor Knabe made a motion that the Board approve the following actions in order to act on the Auditor-Controller’s attached recommendations as provided in his January 24, 2007 report relating to contamination due to the spillage of raw sewage in November 2001, and other spills occurring from January 2002 through July 2006:

1. Direct the Director of Public Health, in close consultation with the Public Health Commission, Auditor-Controller, Chief Administrative Officer, and County Counsel, to:
 - Lead a project to pursue all 15 Auditor-Controller recommendations to conclusion;
 - Assume personal accountability for the results;
 - Designate a senior manager to serve as day-to-day project manager and advise the Board of his/her selection within one week;
 - Work closely and consultatively with affected County Departments and Districts, the Los Angeles Regional Water Quality Control Board, Heal the Bay, Santa Monica Baykeeper, the City of Los Angeles and all other affected constituencies;
 - Submit in no more than 60 days and present to the Board as a set item on April 3, 2007, the approach proposed to implement each recommendation along with an action plan and time table to accomplish the specified results;
 - Include as part of the project plan the additional task of critiquing the County’s public health disaster response plans based on the improvements planned as a result of the Auditor-Controller’s report; and
 - Provide monthly project status reports to the Board pending the Auditor-Controller’s one year follow-up review; and

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2. Instruct the County Fire Chief, the Directors of Public Works and Beaches and Harbors, and request the County Sanitation Districts, the Los Angeles Regional Water Quality Control Board, Heal the Bay, the Santa Monica Baykeeper, the City of Los Angeles and all other affected constituencies to work with the Director of Public Health and his staff in this effort;
3. Instruct the Executive Officer of the Board to submit a letter signed by the Board, and the Auditor-Controller's report, to Governor Schwarzenegger and the Los Angeles County Legislative Delegation:
 - Indicating Board support of the County Public Health Commission's recommendation to have a public health expert on the Los Angeles Regional Water Quality Control Board;
 - Requesting consideration of a change in the Water Code to require at least one Water Board member have a public health background; and
 - Suggesting they consider investigating whether the problems Los Angeles County experienced in reporting and documenting potentially harmful sewage spills as required by law are also occurring elsewhere in the State;
4. Instruct the Executive Officer of the Board to submit a letter to the Los Angeles Water Quality Control Board requesting that they:
 - Amend the Los Angeles County National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements to require sewer system owners/operators to implement the Auditor-Controller's recommendations;
 - Convene a work group of key stakeholders to develop specific maintenance standards for owners/operators of sanitary sewer systems in the County; and
 - Seek appropriate authority and funding to create and operate an ongoing independent sanitary sewer collection system monitoring program which would monitor sanitary sewer owners/operators for compliance with established maintenance standards and would include a written report on the monitoring results; and
5. Instruct the Auditor-Controller, in consultation with the County's Public Health Commission, to conduct an audit, within one year of this date, and report back as a set item on the Board's agenda on the status of the implementation of his recommendations, as well as recommendations of what further action may be needed.

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During discussion, Supervisor Yaroslavsky stated that the Auditor-Controller's analysis contained serious errors, and suggested that Supervisor Knabe's motion be amended to instruct the Auditor-Controller to:

1. Review and correct his report to accurately reflect both audit data pertaining to spills into the various watersheds, and the reporting of sewage spills to the Long Beach Health Officer as well as the Los Angeles County Health Officer; and
2. Report back to the Board within 30 days.

Supervisor Knabe accepted Supervisor Yaroslavsky's amendment

Therefore, Supervisor Knabe's motion, as amended, seconded by Supervisor Yaroslavsky, was unanimously carried.

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Attachment

Copies distributed:

Each Supervisor
Chief Administrative Officer
County Counsel
Auditor-Controller
Director of Beaches and Harbors
Director of Public Health
Director of Public Works
Fire Chief
Chairperson, Public Health Commission
General Manager, Los Angeles County Sanitation Districts

Letters sent to:

Governor Arnold Schwarzenegger
Each Member, Los Angeles County Legislative Delegation
Chairperson, Los Angeles Regional Water
Quality Control Board
Mayor, City of Los Angeles
Executive Director, Heal the Bay
Executive Director, Santa Monica Baykeeper